**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.21502 OF 1999

**07.3.2006**

Between:

R.Ravikanth Reddy, S/o.R.Bhaskar Reddy

… Petitioner

AND

Acharya N.G.Ranga Agricultural University

Represented by its Registrar,

Rajendra Nagar, Hyderabad

… Respondent

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ORDER:

The petitioner is working as Assistant Director of Physical Education in Agricultural College, Bapatla, which is an institution of Acharya N.G.Ranga Agricultural University (ANGRAU), the sole respondent herein. He is a Post-Graduate in physical education course. So as to improve his qualification, he applied to Sri Krishnadevaraya University, Anantapur for part-time Ph.D. programme. He submitted applications on 06.2.1999 and 23.7.1999 to the respondent seeking permission to prosecute Ph.D. on part-time basis. By a communication dated 09.9.1999, the respondent rejected the permission. Aggrieved by the same, the present writ petition is filed seeking a direction to the respondent to allow the petitioner to prosecute Ph.D. in physical education on part-time basis in Sri Krishnadevaraya University, Anantapur.

In the counter affidavit filed, it is stated that the petitioner applied to Sri Krishnadevaraya University directly in violation of official procedure and that he did not send the application through the University. Therefore, after considering his representation dated 23.7.1999, request was rejected. Secondly, it is stated that there is no provision in ANGRAU to permit the teachers to do Ph.D. on part-time basis in other Universities. It is the further case of the respondent that as a matter of policy, the University decided not to permit the teachers to do Ph.D. on part-time basis in other Universities, to maintain high standards of teaching, though the University is deputing teachers to other Universities in the country and also within the University for doing Ph.D. by paying full salary in deficiency areas identified by the University.

Learned Counsel for the petitioner submits that in the recent past, the University has sent Sri A.Pratap Reddy, Physical Director, Agricultural University, Bapatla to do Ph.D. on part-time basis at University of Kalyani in West Bengal. Similarly, the University has permitted Sri E.D.Livingston, College Librarian and Sri N.Bhaskara Rao, Senior Library Assistant to do Ph.D. on part-time basis. It is the submission of the learned Counsel for the petitioner that the same treatment is denied to the petitioner, which cannot be sustained in the face of Article 14 of Constitution of India.

Though this is an old matter, none appears for the University. However, in the counter affidavit, a distinction is sought to be made with regard to Sri Livingston, stating that he was holding a non-teaching post and, therefore, he was permitted to do Ph.D. Insofar as Sri A.Pratap Reddy is concerned, distinction is sought to be made contending that at the relevant time, the Assistant Director of Agriculture was treated as non-teaching staff and, therefore, he was permitted to do Ph.D. on part-time basis. None of these two grounds can justify the discriminatory treatment meted out to the petitioner. The petitioner and Sri A.Pratap Reddy held the posts of Assistant Director of Agriculture and when once Sri A.Pratap Reddy was permitted, this Court fails to understand the reason for refusing same treatment to the petitioner. If it is only objection of the University that the petitioner has applied to Sri Krishnadevaraya University directly not through the Principal of Agricultural College, Bapatla or the Registrar of the University, no such rule has been brought to the notice of this Court and, therefore, it is not such a serious lapse to deny permission to the petitioner.

The writ petition is, accordingly, allowed. The ANGRAU is directed to accord permission to the petitioner to prosecute Ph.D. on part-time basis in Sri Krishnadevaraya University, Anantapur, if he gets admission. There shall be no order as to costs.

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(**V.V.S.RAO, J**)

March 07, 2006

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